



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan

Director, Tarik Abdelazim

STAFF REPORT

TO: Planning Commission Members
FROM: Patrick C. Day, Planner
DATE: November 20, 2012
SUBJECT: 404 Court Street; Series A Site Plan / Special Use Permit Review
TAX ID #: 161.22-3-2
CASE: 2012-52
COPIES: B. Seachrist, T. Costello, L. Webb (District 4), M. Corey, File

A. REVIEW REQUESTED

404 Court St, LLC has submitted an application for Series A Site Plan / SUP review for a use of Automobile Sales, New at the property known as 404 Court Street. The subject property is currently vacant; the applicant recently obtained a Demolition Permit to remove a 6,400 square foot structure from the subject property.

The applicant proposes to improve the subject property for use as a new vehicle display and storage expansion to be utilized by an existing new automobile sales business located along the north side of Court Street (373-399 Court Street, 5 Moeller Street and 2-8 Louisa Street).

Submitted materials indicate that the proposed lot would contain a total of 33 automobile parking spaces.

B. ADDITIONAL REVIEWS

Prior to the demolition of the primary (and sole) structure at the subject property in November 2012, the applicant obtained a determination of non-significance from the Commission on Architecture and Urban Design (CAUD) for the subject structure, which permitted the subsequent issuance of a Demolition Permit by the Department of Building and Construction.

The project is located within the boundaries of the LWRP; the applicant has submitted an application for review by the Waterfront Advisory Committee (WAC). The WAC will review the project for consistency with the policies of the City's Local Waterfront Revitalization Plan.

The new construction requires that an Urban Runoff Reduction Plan (URRP) be approved by the City of Binghamton Engineering Department. The 1st step to obtain this approval is the submittal of a Preliminary URRP to Planning Staff for review by the Engineering Department prior to issuance of any approval by the Planning Commission. This Preliminary URRP has been submitted by the applicant and is currently under review.

As the proposed project requires installation of tree plantings, the City of Binghamton Shade Tree Commission will review the submitted landscape and planting plan materials and provide comments for consideration by the Planning Commission.

The project is located within 500 feet of a New York State highway and therefore requires referral to the Broome County Planning Department for 239- m review.

The subject property is located outside the boundaries of the FEMA Special Flood Hazard Area (100 year; Zone AE) and therefore does not require a Floodplain Development Permit. The subject property is located within the 500 year floodplain, as well as within the “preliminary,” new boundaries of the FEMA

C. STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 and the additional requirements of Section 410-41. A (10) for use of Automobile Sales, New in the C-1 District must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.

5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

Additionally, per §410-41. A (10), Automobile Sales, New, in the C-1, I-2, and I-3 Districts is permitted when:

- (a) A site plan is approved in accordance with the applicable provisions of Article IX of this chapter.
- (b) The number of unregistered and/or unlicensed vehicles permitted in the open shall not exceed a number equal to the number of repair bays located on that property. Any other unregistered and/or unlicensed vehicles must be relocated to a completely enclosed garage or removed from the property.
- (c) No outdoor storage of tires shall be permitted at any time.
- (d) No outside storage of materials is permitted in the required front and side setback areas.
- (e) No outdoor storage of vehicle parts, waste products, or other materials is permitted unless appropriately screened from view.

D. SITE REVIEW

The subject property is located on the south side of Court Street between Mason Avenue and Moeller Street. The subject parcel measures a width of 229 feet and a depth of 66 feet, and exists as unimproved, vacant commercial property. Two sets of active railroad tracks, one operated by Canadian Pacific (northernmost set) and one by New York, Susquehanna and Western (southernmost set), abut the subject property to the south. Beyond these tracks, the Susquehanna River runs east-west. A one story warehouse structure (6,400 sf gross floor area) was demolished and removed from the subject parcel in November 2012.

Land use in the vicinity of 404 Court Street consists is primarily commercial. The majority of commercial uses in the vicinity are automobile-focused, including existing Jack Sherman Toyota vehicle display and sales facilities, Super Tire Service, Inc., Citgo Gas Station, as well as drive-through restaurants (Taco Bell, Burger King, McDonald's).

E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

373-375 Court Street: A Special Use Permit request to operate a used car dealership was granted to Charles Hutchings in 1996.

397 Court Street: The Planning Department approved a Series B Site Plan application submitted by James Corey in 1999 to use the property as an off-street parking lot.

405 Court Street: In 2008, the Planning Commission approved a Series A/Special Use Permit to operate a new & used car sales facility with minor repairs. A condition of the approval was the improvement of the fence located to the north of the property.

409-413 Court Street: In 1986, a request by Dean Fowler Oil Company for an area variance to construct an addition to an existing convenience store was approved by the Zoning Board of Appeals.

429 Court Street:

- The Zoning Board of Appeals granted area variances of off-street parking and drive-thru stacking requirements to Courterback Development in 1998.
- An area variance of setback requirements for a sign was granted to Courterback Development in 1999.

444 Court Street: The Planning Commission granted a Special Use Permit to Fred Marcello in 1994 to operate a used car dealership.

447-451 Court Street: In 1992, Joseph Miller was granted a Special Use Permit to operate an automobile repair shop.

450 Court Street: June 2007: The Planning Commission granted Jeff Zembek a Special Use Permit to operate a multi-use car care center in a C-1, Service Commercial zoning district.

450 Court Street: In August of 2008, the Planning Commission granted Jeff Zembeck a Site Plan Modification to an approved Series A Site Plan Review and Special Use Permit to operate a multi-use car care center in a C-1, Service Commercial District.

457 Court Street:

- In 1990, the Zoning Board of Appeals granted use and area variances to Stephen Harris and Jeff Feinberg to convert an existing building to a health club.
- A Special Use Permit was granted to Stephen Harris in 1989 to allow the conversion of an existing structure for use as an auto paint and body shop.

F. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
X				X		

G. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.
3. The Planning Commission must determine if the special requirements as set forth in Section 410-41 (A) 10 for a use of Automobile Sales, New in the C-1 District, have been met.

I. ENCLOSURES

Enclosed is a copy of the site plan, application and site photographs.

Sincerely,

Patrick C. Day
Planner

Enclosures